

Indiana Civil Rights Commission
AGENCY MONTHLY REPORT
JULY 2012



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Executive Director

Intake

The Intake section of the report shows the number of phone, web and/or mail inquiries received from the public. It also shows the number of jurisdictional complaints drafted and mailed. The number of signed complaints received for investigation is also reported.

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
Total Number of Inquiries	305	366	381	419	377	279	354						2481
Number of Complaints Drafted	61	69	64	103	103	72	66						538
% of inquiries drafted	20%	19%	17%	25%	27%	26%	19%						22%
Employment	43	54	45	58	81	52	52						385
Real Estate	6	4	3	8	5	7	9						42
Public Accommodation	2	4	4	5	12	3	2						32
Credit	0	0	0	0	0	0	0						0
Education	3	2	3	3	5	4	3						23
Unknown	7	5	9	37	0	6	0						64
Number of Complaints Formalized	85	84	95	73	99	67	69						572
Employment	75	67	73	57	73	47	54						446
Transferred from EEOC*	23	17	7	1	4	0	4						56
Real Estate	4	8	14	6	16	6	8						62
Transferred from HUD**	1	2	1	1	5	1	3						14
Public Accommodation	6	4	5	8	7	12	4						46
Credit	0	0	0	0	0	0	0						0
Education	0	5	3	2	3	2	3						18

*EEOC sends cases to ICRC pursuant of the Deferral Program. These transfers are included in the total # of EEOC complaints formalized.

**Reflects cases retrieved from Teapots. These transfers are included in the total # of HUD complaints formalized.

Inquiries by Region

This section provides a breakdown of the inquiries received by each region.

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
Total Number of Inquiries by Region	305	366	381	419	377	279	354						2481
Region 1	40	51	38	53	46	44	30						302
Region 2	22	36	38	40	26	20	27						209
Region 3	11	13	22	31	22	14	25						138
Region 4	7	11	12	13	10	11	12						64
Region 5	132	146	156	158	148	110	151						1001
Region 6	26	37	35	35	32	19	34						218
Region 7	18	12	18	21	29	16	15						129
Region 8	18	19	19	11	24	20	20						131
Region 9	17	19	16	28	27	19	35						161
Unknown	14	22	27	29	13	6	5						116

Region 1: Jasper, Lake, LaPorte, Newton, Porter, Pulaski and Starke

Region 2: St. Joseph, Elkhart, Marshall, Fulton, Kosciusko, Wabash, Cass and Miami

Region 3: LaGrange, Steuben, Noble, Dekalb, Whitley, Allen, Huntington, Wells and Adams

Region 4: White, Benton, Warren, Tippecanoe, Carroll, Clinton, Fountain and Montgomery

Region 5: Boone, Hamilton, Hendricks, Marion, Hancock, Morgan, Johnson and Shelby

Region 6: Howard, Grant, Blackford, Jay, Tipton, Madison, Delaware, Randolph, Henry, Wayne, Rush, Fayette, Union and Franklin

Region 7: Vermillion, Parke, Putnam, Vigo, Clay, Owen, Sullivan, Greene and Monroe

Region 8: Knox, Daviess, Martin, Lawrence, Gibson, Pike, Dubois, Orange, Crawford, Posey, Vanderburgh, Warrick, Spencer and Perry

Region 9: Brown, Bartholomew, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland and Washington

Unknown: If the location of the inquiry cannot be identified.

Investigation

The Investigation section shows the overall age of cases currently being investigated by the agency. Cases over 100 days in Real Estate or 180 days in all other cases could be in the Legal Department pending a decision. (Aged is >100 days in Real Estate and >180 days in all other cases).

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
% of Aged Cases by Area													
Employment	20%	20%	25%	22%	26%	27%	16%						22%
Real Estate	0%	19%	12%	15%	0%	0%	0%						8%
Public Accommodation	19%	22%	20%	25%	27%	13%	7%						19%
Credit	0%	0%	0%	0%	0%	0%	0%						0%
Education	14%	17%	20%	14%	35%	25%	18%						20%
Open Cases by Area													
Employment	369	392	429	433	444	449	425						
Real Estate	53	47	47	41	52	41	45						
Public Accommodation	50	53	56	61	57	62	62						
Credit	0	0	0	0	0	0	0						
Education	20	24	27	28	25	27	30						

Closures

The Closure section indicates the number of cases closed and how the case was closed after a complete investigation. NPC = No Probable Cause, CWS = Closed with Settlement (Mediation Agreement), CW = Closed Withdrawal, AD = Administrative Dismissal (Lack of Jurisdiction, Failure to Cooperate/Locate), FO = Final Order.

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
Number of Cases Closed	62	42	46	73	64	66	88						441
Employment	42	27	31	55	45	38	75						313
Real Estate	10	13	13	13	3	21	9						82
Public Accommodation	7	1	2	2	12	5	4						33
Education	3	1	0	3	4	1	0						12
Credit	0	0	0	0	0	1	0						1
Type of Closure													
NPC	43	31	37	56	45	40	60						312
CWS	8	6	5	9	11	9	13						61
CW	3	1	2	4	5	6	2						23
AD	3	4	1	0	3	3	7						21
FO	5	0	1	4	0	8	6						24

Legal

The Legal section tracks cases receiving probable/reasonable cause, as well as provides information on active cases being handled by the Legal Department.

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
Probable/Reasonable Cause Findings	12	2	4	5	4	6	6						39
Employment	9	2	3	2	3	6	3						28
Real Estate	3	0	1	3	0	0	1						8
Public Accommodation	0	0	0	0	0	0	2						2
Education	0	0	0	0	1	0	0						1
Credit	0	0	0	0	0	0	0						0
Active Cases	45	48	44	49	54	59	59						
Employment	24	28	29	32	34	38	37						
Real Estate	9	9	7	9	11	12	12						
Public Accommodation	6	6	5	5	5	6	7						
Education	6	5	3	3	4	3	3						
Credit	0	0	0	0	0	0	0						
Average Age of Cases since NOF*													

*NOF (Notice of Finding). This includes cases that are now pending in state court.

Probable Cause Findings for the current month

This section provides detailed information on probable cause findings.

Mashibe v. Thermal Structures, Inc. is an employment case based on race. Complainant alleged that Respondent paid a Caucasian employee more than him.

Carlisle v. Magna Services of America is an employment case based on race. Complainant alleged that he was terminated because of his race.

Gibson v. Detrol Trailer Sales is an employment case based on disability. Complainant alleged that he was laid off because of his disability.

Otterbern v. Marathon Oil is a public accommodation case based on disability. Complainant alleged that he was denied equal access to Respondent's facility due to him having a service dog with him.

Inman v. Fifth Third Bank is a public accommodation case based on race. Complainant alleged that he was denied equal access to Respondent's services.

Lansdown v. Robert Robinson is a housing case based on disability. Complainant alleged that she was evicted due to her disability.

Final Orders

This section provides information on cases that receive Final Orders by The Commission.

Taylor v. Scotty Dog, Inc. d/b/a Dawg House Pub & Grille is an employment case based on sexual harassment. Complainant alleged that she was subjected to sexual harassment. The case was closed with a settlement.

Fullington v. Claudeen Crump is a housing case based on disability. Complainant alleged that he was evicted because of his disability. The case was closed with a settlement.

Marcum v. Claudeen Crump is a housing case based on disability. Complainant alleged that he was evicted because of his disability. The case was closed with a settlement.

Harris obo Davis v. Papa John's International, Inc. d/b/a Papa John's Pizza is an employment case based on race. Complainant alleged that her son was terminated because of his race. The case was closed with a settlement.

Davis v. Papa John's International, Inc. d/b/a Papa John's Pizza is an employment case based on race. Complainant alleged that Respondent terminated him because of his race. The case was closed with a settlement.

Williams v. Rock Bottom Restaurant is an employment case based on sex. Complainant alleged that Respondent terminated her because she was pregnant. The case was closed with a settlement.

Legal Updates

This section provides information on legal news, passing or changes in law and other state and local laws affecting The Commission.

Articles of Interest:

South Bend's Human Rights Commission office moving (7/9/2012, South Bend Tribune)

http://articles.southbendtribune.com/2012-07-09/news/32607066_1_chase-tower-office-lists-council-members

The South Bend Common Council unanimously approved a bill Monday that will enable the Human Rights Commission to move into a former Madison Center building at 319 N. Niles Avenue. Ten years ago, the commission moved from the City-County Building to a location at 301 S. St. Louis Blvd.

Best Western Hotels in Tacoma and Federal Way to Pay \$365,000 to settle EEOC Suit for Harassment (July 5, 2012, EEOC.gov)

<http://www.eeoc.gov/eeoc/newsroom/release/7-5-12.cfm>

The EEOC charged in its lawsuit that the general manager who worked at both the Best Western Evergreen Inn and Best Western Tacoma Dome persistently harassed and denigrated women, including those who were minorities and had strong religious beliefs. Under the court-enforceable consent decree that resolved the lawsuit, Pacific Hospitality and Seasons Hotel will pay 11 victims a total of \$365,000.

Ex-Senator, Civil Rights Activist Glenn Howard Dies at 72 (July 3, 2012, WIBC, 93.1 FM)

<http://www.wibc.com/news/Story.aspx?ID=1732161>

Howard was a civil rights activist and a mainstay of Indianapolis politics for more than three decades. He first made headlines in 1970 leading 100 African American co-workers in charging both Allison and its UAW local with discrimination. After an unsuccessful run in 1971, Howard was elected to the City-County Council in 1975 and served four terms, then won another four terms in the Senate before retiring in 2008 due to poor health. The former Attucks High School football player was active away from politics. He was one of the founders of Indiana Black Expo, and the Glenn Howard Junior Golf Program.

Decision on Arizona immigration law could affect Indiana (June 27, Indiana Daily Student)

<http://www.idsnews.com/news/story.aspx?id=87625>

A hotly contested immigration law before the United States Supreme Court in Arizona, which struck down several key provisions, could impact immigration policy in Indiana. The American Civil Liberties Union of Indiana, the National Immigration Law Center and the law firm of Lewis and Kappes, P.C. filed a class action lawsuit in May 2011 challenging Indiana's 2011 immigration policy. The policy, Act 590, allows local law enforcement to detain individuals subject to federal immigration court and removal orders.

ISTEP scores discussed at East Allen County Schools, local NAACP rallies to protest district's performance (July 18, 2012, Fort Wayne News-Sentinel)

<http://www.news-sentinel.com/apps/pbcs.dll/article?AID=/20120718/NEWS/120719622/-1/LIVING>

ISTEP + standardized test scores were a hot topic before and during the East Allen County Schools board meeting Tuesday. Just before the meeting, Fort Wayne/Allen County NAACP President Paulette Nellems and a small group of community members gathered outside the district's administration building to protest the district's performance on the state standardized test.

Seven honored at Indiana Black Expo's Annual Governor's Reception (7/17/2012, FOX-59)

<http://www.fox59.com/news/wxin-seven-honored-at-indiana-black-expos-annual-governors-reception-20120717,0,6832364.column>

Governor Mitch Daniels honored Hoosiers who are working to change our community. Seven Hoosiers were honored for their work in health and physical fitness, business and entrepreneurship and civic leadership.

Service Animal Complaint Sparks Investigation (7/12/2012, WISH-TV-8)

http://www.wishtv.com/dpp/news/local/marion_county/service-animal-complaint-sparks-investigation?ref=scroller&categoryId=10001&status=true

The Indiana Civil Rights Commission is investigating a possible violation at an Indianapolis convenience store after a person training a service animal reportedly was denied entry.

Justice Dept: Wells Fargo to pay \$175 million to settle allegations of bias against blacks, Hispanics (7/12/2012, Greenfield Daily Reporter)

<http://www.greenfieldreporter.com/view/story/90f99d8d41c04b079c10ba5ca7002974/US--Justice-Fair-Lending>

Wells Fargo Bank will pay at least \$175 million to settle accusations that it discriminated against African-American and Hispanic borrowers in violation of fair-lending laws, the Just Department announced. Wells Fargo, the nation's largest residential home mortgage originator, allegedly engaged in a pattern or practice of discrimination against qualified African-American and Hispanic borrowers from 2004 through 2009.

United Way Leader Ellen K. Annala Retiring (July 18, 2012, *Inside Indiana Business*)

<http://www.insideindianabusiness.com/newsitem.asp?ID=54715#middle>

Ellen K. Annala today announced to United Way of Central Indiana's board of directors and staff that she will retire effective March 31, 2013. Annala's retirement will complete 23 years in leadership of the organization that helps people learn more, earn more and lead safe and healthy lives in the six-county region.

Before joining United Way, Annala was executive director of Big Sisters of Central Indiana and **also served as deputy director of the Indiana Civil Rights Commission from 1980-1982.**

Discrimination Charges Filed Against Elkhart Rehab Center (7/25/2012, *The Elkhart Truth*)

<http://www.etruth.com/article/20120725/NEWS01/707259971/-1/news01>

Indiana Civil Rights Commission Deputy Director Joshua Brewster announced that the agency has issued a finding that there is probable cause to believe that a former employee of Elkhart Rehabilitation Center was subject to unlawful discrimination because she was pregnant.

Olympians complain of gender discrimination (7/20/2012, *WISH-TV 8*)

http://www.wishtv.com/dpps/sports/summer_games/olympians-complain-of-gender-discrimination-sp12-tvw_4245024

Sport governing bodies from Japan and Australia are being skewered following complaints that male Olympic athletes flew business class to the London Games, while the women sat in the cheap seats.

Ellen Annala to retire as United Way of Central Indiana director (7/19/2012, *Indianapolis Star*)

<http://www.indystar.com/article/20120718/NEWS/120718032/Ellen-Annala-retire-United-Way-Central-Indiana-director?odyssey=nav%7Chead>

Ellen K. Annala, who served as Deputy Director of the Indiana Civil Rights Commission from 1980-1982, announced she will retire as the leader of the United Way of Central Indiana in March 2013. She is the first woman to lead the United Way of Central Indiana.

Owner of 25 McDonald's Restaurants to Pay \$1 Million in EEOC Sexual Harassment Suit (7/18/2012, *EEOC.gov*)

<http://www.eeoc.gov/eeoc/newsroom/release/7-18-12a.cfm>

Multiple women, including teens, were abused at Reedsburg restaurant, and some were fired for complaining the EEOC charges.